



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/977,804 | 10/15/2001 | John Frederick Parker | 8-02-6018 | 3524 |

7590 08/22/2003
Gary M. Gron
Cummins Engine Company, Inc.
Law Offices - 60701
P.O. Box 3005
Columbus, IN 47202-3005

| | |
|----------------|--|
| EXAMINER | |
| TRIEU, THAI BA | |

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3748 | 9 |

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

| | |
|------------------------------|------------------------|
| Application No. 09/911804 | Applicant J. PARKER |
| Examiner TREU | Art Unit 5248 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 5/15/03.

(a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

(b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

(d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due. The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
(c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

(b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below: Declaration does not provide signature for applicants.

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Gary M. Gron
Cummins Engine Company, Inc.

Law Offices- 60701
P. O. Box 3005
Columbus, IN 47202-3005

Serial No. : 09/977804
Applicant : John Frederick
Parker
Filing Date : 10/15/2001
Date Mailed : 05/15/2003
Paper No: 8

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

- **Provide a Declaration with signature for applicants .**

APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 60 DAYS OF THE MAIL DATE OF THIS NOTICE.

A copy of this notice MUST be returned with the reply. Please address response to "Rori Burch 2231 CRYSTAL DRIVE CPK-3 SUITE 918 ARLINGTON, VA 22202"

Virginia Falburt
Name / Your Name
Data Query
Phone 703-305-8391
Fax 703-308-6642

To: Tom Hawkins
Subject: Withdrawal of Abandonment

This case was abandoned for applicants failure to submit a signed declaration. As evidenced inside this case, applicants responded timely. Please withdraw the abandonment. Additionally, please call Joella Small at 812-377-3104 to let her know that the case has been unabandoned. Thanks!

60172



THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700